



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES

NEWINGTON TOWN COUNCIL MEETING

January 8, 2008

Mayor Wright called the meeting to order at 7:08 PM in the Helen Nelson Room of the Newington Town Hall.

I PLEDGE OF ALLEGIANCE

II ROLL CALL

Councilors Present:

Councilor Banach
Councilor Boni
Councilor Bottalico
Councilor Bowen
Councilor Cohen
Councilor Lenares
Councilor Nagel
Councilor Nasinnyk
Mayor Wright

Staff Present:

John L. Salomone, Town Manager

III PUBLIC PARTICIPATION – IN GENERAL

Wayne Estey, 88 Golf Street: Mr. Estey first thanked the Mayor for his positions taken on the MDC, and then spoke against altering the Charter to allow voters to approve the Town's budget. Mr. Estey stated that he is a trained economist. He commented that the interest rates paid on the Town's bonds are based on its ability to raise taxes if necessary, which allows the Town the ability to have a low interest rate, compared to private companies. Mr. Estey stated caution that the Town's favorable bond rating may be jeopardized if the small number of voters who may turn out for a budget referendum are allowed to approve of the Town's budget. He noted that towns with voter-approved budgets statistically have a much higher bond rating than towns that do not. He stated that allowing budget referendum will jeopardize the Town's low borrowing rate. Mr. Estey also discussed the leadership that has been bestowed upon the Councilors by the voters of Newington, noting that there are 35,000 citizens in Newington, of which about 5,000 to 10,000 vote for the Council's election, and that the small percentage of voters who elect the Council are responsible for the other 90% of Town residents who voted in the minority, did not vote or are ineligible to vote. He stated that those elected have the ability to cut a proposed budget if they do not approve of it. Mr. Estey stated that the Council does not need to use a political cover to pass the approval of the budget to a small percentage of voters. He stated that the voters have already told the Council what they wanted, which is for the Council to lead. He stated that to pass the political "hot potato" of cutting the budget to the voters is a derogation of the Council's responsibilities. Mr. Estey noted that if the Town's budget were \$100.00, \$80.00 would be non-cuttable items such as interest, heating, light etc, with

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the remaining \$20.00 being programs that can be actually cut. Therefore, any cuts are made from the small discretionary part of the budget. Mr. Estey asked where the cuts would come from, and commented that the reason that the Council was elected was to determine the answer to that question. He asked whether the Councilors will make these very important and possibly politically unpopular decisions for themselves or if they will pass those decisions off to the small number of voters who will actually turn out for a budget referendum. Mr. Estey stated hope that as elected officials the Council will have the backbone to make the decisions. Mayor Wright thanked Mr. Estey and reminded the public that upcoming Charter Revision Commission meetings will be open to the public.

Marc Finkelstein, 272 Candlewyck Drive: Dr. Finkelstein agreed with Mr. Estey's comments regarding the budget referendum, commenting that it is a dereliction of the duty of the Council to place referendum in the hands of voters. He stated that the budget is a very intricate and complicated issue, and he highly doubts that most members of the public would be able or willing to go over the figures, and therefore are not the appropriate people to make decisions regarding the budget. Dr. Finkelstein also commented positively about the idea of four year and/or staggered terms for Councilors and Board of Education members, and asked members of the Charter Review Commission to consider the idea.

Councilor Nasinnyk moved to add agenda item V-F to the CONSIDERATION OF NEW BUSINESS portion of the agenda concerning the West Meadow Cemetery expansion project and design services.

Motion seconded by Councilor Cohen.

Councilor Nagel asked whether any materials would be available to facilitate the discussion. Councilor Nasinnyk replied that printed materials would be handed out prior to the discussion.

Motion passed 9-0

IV CONSIDERATION OF OLD BUSINESS

A Set Dates for Public Hearings on Fiscal Year 2008-2009 Budget

Councilor Bottalico moved the following:

RESOLVED:

That the Newington Town Council, pursuant to Section 805 of the Newington Town Charter, will hold two Public Hearings on the proposed budget for fiscal year 2008-2009. These Public Hearings will be held at 7:00 p.m. in the Town Hall (unless otherwise indicated) as follows:

Monday, March 17, 2008, 7:00 p.m.
Monday, April 7, 2008, 7:00 p.m.

Town Manager's Proposed Budget
Town Council's Proposed Budget

Motion seconded by Councilor Banach.

Councilor Cohen clarified that the first meeting is on the Town Manager's proposed budget and the second meeting is on the Town Council's proposed budget.

Motion passed 9-0.

B Authorize Funding for Charter Revision Commission

Councilor Bottalico moved the following:

RESOLVED:

That the Newington Town Council hereby authorizes an expenditure not to exceed five thousand dollars (\$5,000) from Program 962, Contingency, for expenses related to the duties of the Charter Revision Commission.

Motion seconded by Councilor Cohen.

Councilor Bowen commented that he is surprised that the item was included in the agenda packet, noting that the issue was raised at the first Charter Commission meeting, but was not discussed. Councilor Bowen stated that it is premature to approve this amount before the Commission agrees that the allocated amount is reasonable.

Motion passed 6-3 (Councilors Banach, Bowen and Nasinnyk opposed)

V CONSIDERATION OF NEW BUSINESS

A Visit with State Legislators

Mayor Wright introduced and welcomed State Senator Paul Doyle, Rep. Sandy Nafis, Rep. Tony Guerrero and Rep. Tim O'Brien to the meeting. Each addressed the Council with opening remarks:

Senator Doyle noted that he was happy with how things went with last year's budget, and that there are some good numbers coming back for the Town in regards to State aid. He stated that it is their job as Legislators to work together during this year's budget to try to get more money for the Town. He noted that the second year of the State's biannual budget is usually kind of a crystal ball and hoped that the economy will stay strong to that they can continue to fight for more State aid. Senator Doyle noted that the aid is contingent on the size of the surplus, but that it is their top priority. He told the Council that he and his colleagues will work for more, and that all will get a better feel for the level of that aid as the budget develops. He noted that the session starts in February, and the goal of the four members at the table is to look for more State aid for the community through various forms.

Rep. Guerrero commented that he feels that the State is heading toward recession, and money is not coming in as expected, and noted that other items such as the stock market and the housing industry have also experienced a slowdown. He stated that it is much easier to bring money to the towns during the good years, and that although they always fight to do so it becomes more difficult as times get tough. Rep. Guerrero stated that he does not like to see huge tax increases, as many individuals with fixed incomes struggle to pay taxes as well as other living expenses such as food, heating and prescriptions.

Rep. O'Brien stated that he is very interested in the Councilors' input on practical ways to make things easier for their job, and noted that fighting for municipal aid is very important in helping the Town balance its budget, provide services and keep taxes down. He commented about other ideas which will be discussed in the future such as Rep. Donovan's (House Majority Leader) idea which could potentially save municipal money on healthcare expenses by allowing towns to purchase healthcare through the State. He stated that this is one of many practical ways to potentially help keep property taxes down and provide services to Town residents.

Rep. Nafis stated that while a surplus is being projected for the current year, the projection for the next three to four years is for deficit. She stated that they need to look at the big picture for the State just as the Councilors need to look at the big picture for the Town, and noted that there are many ways to get money for the Town of Newington, including health care initiatives. She commented that she understands the frustrations of coming from municipal government.

Question and answer session followed. Topics covered include:

- Governor Rell's 3% tax cap: Councilor Bottalico asked about the progress of the proposed tax cap, Senator Doyle replied that it may be brought to the table at the next session (which has not started yet) and outlined his concerns about the plan, specifically that he does not believe that the State should micromanage the budgets of the towns. The other Reps echoed Senator's statements, with Rep. Nafis stating the plan has not been introduced and that revenue and revaluation cannot be controlled. Rep. O'Brien stated that there are flaws with the plan, also noting that true property tax reform would be welcome. Rep. Guerrero stated that the elected Town Council knows the needs of the Town better than the Representatives, and that he does not want to give budget mandates to the Town.
- Synthetic turf fields: Deputy Mayor Lenares asked about last year's failed bonding and grant for synthetic turf fields. Rep. Nafis replied that the items regarding fields throughout the State were removed as a compromise after Governor Rell's veto of the item, and that there are other options which will be raised to pursue the money. Deputy Mayor Lenares asked whether the Town will need to re-file for the grant. Rep. O'Brien gave a brief explanation of how the Bond Act and Bond Commission work.

- Education issues: Councilor Banach expressed concerns with State education agencies noting flat reading scores over the past ten years and the lack of clear response and leadership from the State Department of Education regarding the issue. He also expressed concern with UConn's NEAC School of Education which was redressed in a national study as teaching only one of five major components of reading. Rep. Nafis replied that the new Chair of the Education Committee is very committed to the cause and that a new Commission will be meeting soon. She expressed belief that positive outcomes in reading and education will occur as a result of these changes.
- Busway and the State DOT: Councilor Banach expressed concern with the busway, noting that the State Department of Transportation projects an annual loss of about six million dollars with no credible evidence of ridership. He implored the Legislature to take a look at the project in terms of investment and money spent. Councilor Banach also noted the Interstate 84 Waterbury construction fiasco and egregious problems with code violations at UConn. Councilor Banach asked whether anyone has been held responsible for these problems, and asked the representatives to look at leadership in these areas. Rep. Gurrera replied that the problems with the I-84 construction were due to outsourcing. He noted major layoffs at the DOT, with many positions never filled. He stated that measures are being taken to prevent such problems from occurring in the future.
- Paid/volunteer firefighters: Councilor Bowen asked about the issue of paid firefighters not being allowed to serve as volunteer firefighters. He noted that this is a safety issue for the Town and asked what the Town can do to help reverse the rule. Rep. Nafis replied that they are working very hard on the issue and she is confident that they can make it happen. Senator Doyle replied that it is a very complex and political issue that will first need to get through the committee process, but that it is a very high priority and that he will fight for the issue. Rep. Guerrera agreed that it is a very high priority and a challenging issue. He stated that the issue came very close to passing during the last session. Town Manager Salomone noted that there is not an overall sense of urgency on the issue throughout the State because it only affects towns with volunteer departments that are near towns with paid departments. Rep. Nafis gave a background of the bill's history and commented that they are in support of the needs of both paid and volunteer fire departments. Rep. O'Brien commented on the idea of regionalization and noted that there should be cooperation and it should be a benefit to have a town with a paid department near a town with a volunteer department.
- Regional grants: Town Manager Salomone spoke about the regional grants which are being analyzed by the Department of OPM. He stated that CROG put in about \$8,000,000 worth of requests and wanted the Legislature to know that there was a demand and a future for shared regional resources. He commented that many are multiple-year projects with long term ambitions, and hoped that multiple-year funding would become available. Rep. Nafis replied that the grant program is a very positive step, and that the Town Manager's comments about multiple year programs make a lot of sense.
- Building improvement: Councilor Cohen asked about funding for improvements to non-school municipal buildings, many of which are in need of work. Rep. Nafis replied that there is one million dollars in the bond bill which has been requested for Newington Town Hall repair and improvements. Rep. Nafis commented that the Legislature needs to know more about the Town's schedule and plans. Senator Doyle commented that the money is currently in the large bond package, the next step would be to get it on the Bond Commission Agenda, and that the Town's plans need to be made known in order to move forward. Town Manager Salomone replied that he has suggested that the CIP Committee meet on January 29, 2008 to discuss Town Hall improvement progress, and stated that there is an architectural firm working on the plan. He commented that the item is moving forward.
- Special education costs: Councilor Cohen asked about special education cost, and commented that she does not know how the Board of Education determines how to fund those costs. Rep. O'Brien replied that there has been progress made over the years in increasing the amount of money the State provides to municipalities to fund special education. He commented that while there have been promises from the federal government regarding funding on special education mandates he feels that the State really needs to look at the issue as a priority. Rep. O'Brien commented that this is an issue of property tax reform as well, as property taxes are not the appropriate way to fund important issues such as special education. Councilor Banach noted, as a special educator, that pouring money into special education does not equal results. He noted that major studies, including the Baltimore Curriculum Project, state that most systems will continue to flail about until strong leadership steps into the breach.
- Historical Building Repair Bonds: Councilor Nagel asked about bonds or other methods that may be used to fund repairs to historical buildings within the Town. Rep. Nafis replied that there are some grants available for certain types of historical buildings. She recommended that the CIP identify their priorities and bring them to the Legislators.

- Out-of-school suspensions: Councilor Bottalico asked about new mandates on in and out-of-school suspensions. Rep. Nafis replied that the mandates will not take effect for another year, and outlined the structure of the mandates, stating that no student can receive an out-of-school suspension unless that student has committed an offense which impacts safety at the school. She stated that some towns were abusing out-of-school suspensions to the point where students were falling behind. Senator Doyle commented that the impact should not be significant to the Town, but the new mandates can be revisited if they prove to be a burden.
- MDC clean water initiative: Mayor Wright stated that the Town is looking forward to working with the Legislature on several issues including green energy initiatives and the MDC's clean water initiative, which Mayor Wright commented is a very important project. He noted that any help on the project will help greatly with residents' taxes and water bills.
- Cedar Street buffer: Rep. Guerrero gave an update regarding the Cedar Street buffer. He stated that he had spoken to the acting Commissioner and that there should be a resolution coming up within a couple of weeks. Town Manager Salomone elaborated about the issue, stating that there are a number of homes on Cedar Street in which the original buffer has failed and there is therefore no screening to buffer these homes.

B NVFD Pay Per Call Proposal

Town Manager Salomone commented that this program had been presented to the previous Council on October 9, 2007, and that he felt it is important that the leadership of the Fire Department come back to present the idea to the new Councilors as the Council moves towards the budget process.

Assistant Chief Lapierre, Chief Schroeder and other NVFD representatives presented the following proposed Pay Per Call program to the Councilor. The same presentation was made to the previous Council on October 9, 2007.

Benefits to the Community:

Increase membership's call response
Retention
Recruit new members
Safety to membership

Proposed Pay Grades: Pay Per Call Structure:

\$8.00 per unit: Chiefs and Captains
\$7.00 per unit: Lieutenants
\$6.00 per unit: Firefighters

Assistant Chief Lapierre stated that the reason for the proposed pay grades is that as a member moves up and accepts more responsibility in the department their compensation should increase accordingly. He stated that they want to provide incentive to the membership to continue to receive training to achieve the next level or responsibility within the department.

Proposed Unit Structure:

| | |
|-------------------------|-------------|
| Structure Fires: | three units |
| Extrication: | two units |
| Mutual Aide/Stand-bys: | three units |
| All Other Calls: | one unit |
| Online Training: | one unit |
| Multi-Company Training: | two units |
| Departmental Training: | three units |
| Officer Training: | two units |

Assistant Chief Lapierre explained the spreadsheets used to determine what the Pay per Call Program would have cost in 2004/2005 and 2006/2007. He stated that the spreadsheet contains a color-coded rundown of all of the members and their unit base. They used actual data of the members' calls training exercises, and drills to determine what the program would have cost. He stated that the cost in 2004/2005 would have been about \$90,000. He stated that they are looking to increase call response, so they added a line to the spreadsheet to

allow for a ten percent increase in calls, which would have totaled about \$100,000. He stated that in using the 2006/2007 data the cost would have been about \$87,000, which shows a decline in the activity of the Department. With the 10% increase factored in the total would have been about \$96,000. He stated that both spreadsheets project a four month cost, and as \$20,000 has already been earmarked for the study he felt that perhaps some of the \$20,000 could be used for part of the current year and the beginning of next year.

Assistant Chief Lapierre continued with the PowerPoint presentation:

Surrounding Town Info:

Farmington: uses a combination professional and volunteer fire department. The salaries for the eight career firefighters are \$452,000, including overtime. Farmington has a pay per call program which runs at \$6.00 per call for everything. Their cost last year was \$264,000. They have 175 firefighters to Newington's 105.

Wethersfield: started a new program this year, at a cost of \$181,000. They also use a \$6.00 per call payment with an additional officer incentive program.

Cromwell: uses a combination professional and volunteer fire department. Their Chief is currently working on establishing a pay per call program for his volunteers. The salaries for the six career firefighters total \$387,500.

Accountability:

Currently, the NVFD is utilizing software to report all fire calls. Data is shipped in from dispatch and reports are sent to the State for tracking. The system is an accurate method for tracking all training and fire activities, and the activities are coded and categorized by the system.

Membership will be required to maintain current performance measurement plan requirements which require members to attend a certain number of drills and a certain percentage of calls and other activities.

Conclusion:

In researching area departments with different plans, the Committee feels that it has modeled a pay per call structure that best fits the needs of the NVFD

Discussion followed. Councilor Bottalico asked if there are any plans to address what will happen when Town employees who are also volunteer firefighters respond to calls during working hours. Assistant Chief replied that the issue will need to be discussed with the Chief, Town Manager and related department heads.

Councilor Banach asked why other towns have decided to move to combination paid/volunteer departments. Assistant Chief Lapierre replied that there have been issues with daytime response, especially when volunteers hold daytime jobs in another town. He stated that it is a safety concern, and that response needs to occur on a very timely basis.

Deputy Mayor Lenares asked about the current number of volunteers in the department as compared to previous years. Chief Schroeder replied that their maximum strength is 150 volunteers, with a current number of about 110. He also stated that it has been a struggle to keep the number of volunteers over 100.

Mayor Wright asked whether this program will help with recruitment and response by volunteers. Chief Schroeder replied that volunteering is a difficult task, and with initial certification, ongoing training, fundraising, meetings and maintenance it can become a tough, draining job in which volunteers are asked to spend much time away from their families. He stated that it must be a family commitment. He stated that a pay per call program may help with that commitment.

Deputy Mayor Lenares asked if the volunteers currently receive any form of pay. Assistant Chief Lapierre explained the current retirement pension plan which pays about \$565 per year into a retirement fund with a ten-year vestment. He also explained the \$1000.00 per year stipend received by volunteers each year which is subject to taxation. Mayor Wright asked if these items have helped with numbers and retention. Assistant Chief Lapierre replied that it does help some, but that the proposed program is a retention tool. He also noted that it is difficult to understand the burden placed on volunteers' families unless one has been in their position. Chief Schroeder commented that the current pension program only helps those who have been with the department for ten or more years, and that the current length of service averages only three to four years. He stated that there are many costs associated with being a volunteer, including light bars, gas and insurance and that the proposed program will help the volunteers now, not just when they retire.

Councilor Boni asked whether the intent is to turn the Fire Department into a combination paid/volunteer department. Assistant Chief Lapierre clarified that the intent is not to create a combination department, and that the combo departments outlined in the presentation were used because they have a pay per call program in place for their volunteers. He stated that the intent is for Newington to remain a volunteer department. Councilor Boni asked where the funds for the current \$1000.00 stipend come from. Mayor Wright replied that the funds are currently allocated yearly in the budget. Councilor Boni commented that the combined costs of the pay per call program and the current stipend program would be about \$200,000 per year.

Councilor Banach stated his support for the program, thanking the presenters for their thorough plan and presentation.

Mayor Wright asked for a reasonable one or two year projection of costs should the pay per call program create an increase in membership and call response. Chief Schroeder replied that he does not think there will be a significant increase in membership with the program, as the goal is to maintain current membership levels and protect the money invested in training and equipment for the current members. Assistant Chief Lapierre agreed with the Chief's statements, adding that there are costs to the Town associated with volunteers.

Councilor Bottalico stated that he supports the program, but cautioned that it probably would not get through the process necessary to begin until July 2008. Assistant Chief Lapierre replied that a July 2008 rollout would be great. Captain Trommer added that a buffer has been added to the budget for next year to account for a possible increase in costs.

Councilor Bowen clarified that \$25,000 had been added to the current budget, and that he had asked the Department to project backwards to determine how long it will take them to spend the \$25,000 towards the program. He stated that using those calculations he expects that the program will be implemented prior to July 1, 2008, cautioning that the cost cannot go over \$25,000 for this fiscal year. Councilor Bowen asked whether the Department is planning on rolling out the program during the current fiscal year. Assistant Chief Lapierre replied that with the approval of the Council they would like to start the program this fiscal year. He commented that he does not want to start the program, however, if there is a chance that it will be taken away during the next budget process. Councilor Bowen stated that another advantage of the \$25,000 is that it gives the NVFD a chance to try the program and tweak it so it can be fully implemented and working in the next fiscal year. Assistant Chief Lapierre stated that the plan will call for payouts twice per year.

Councilor Cohen stated that when the proposed plan was presented to the prior Council last year it was her understanding that the Department did not want to go forward with the program until there was a commitment of the funds for the full following year, and suggested that there might be a way to indicate full support for the program prior to completing the budget process. Town Manager Salomone replied that if the Council sticks to the budget schedule there will be two months remaining in this fiscal year to implement the project.

Deputy Mayor Lenares confirmed his understanding of the funding for the program and expressed support for the program.

Councilor Nasinnyk thanked the presenters for the second presentation, commented that the NVFD does a wonderful job and expressed support for the program.

Town Manager Salomone stated that this program will now go through the budgetary process, and that there will be more dialogue with the department during their budget hearings at which time a final determination about the direction and the funding of the program will be made.

Mayor Wright thanked the presenters and noted that the Council will continue to look at the program.

C Marcus Communication Agreement

Town Manager Salomone invited former Town Attorney Steven Nassau, NPD Lieutenant Darby and other present legal counsel to speak on the item. Town Manager Salomone gave an overview of the agreement, first ratified in 2001 when Marcus Communications and the Town entered into an agreement to construct a radio phone tower on Town property at Newington High School. He noted that the original agreement called for renewal every five years. Town Manager Salomone stated concern about some aspects of the contract, including concern that the Town had not reaped any of the projected financial benefits. He gave an overview on

the agreement, stating that it was a profit sharing agreement between Marcus Communication and the Town in which the two parties would share in the net profits of the tower lease agreements and in addition the Town would receive the benefits of the radio frequencies and radio equipment provided by Marcus Communications. Town Manager Salomone commented that while the Town has received equipment and frequency benefits it has not received profit sharing funds as directed. He noted that the way he has approached these types of agreements in the past was to use a rental agreement with various companies wishing to use town assets, and not to get into the complicated area of profits. He stated that the direction of this lease is moving towards a fixed rate of return based on a negotiated amount with an inflation factor over the latter portion of the contract. Town Manager Salomone stated that in addition there are FCC laws involved in which the spectrum (radio frequencies) are required to be transferred to the Town.

Atty. Nassau gave an overview of the legal aspects of the previous contract, including details of problems in the accounting of Marcus to the Town and the amount of money the Town felt it was owed. He noted three specific areas of problem in Marcus' accounting, including its amortization schedule, unauthorized carryover losses and the definition of net revenues in the original agreement. Atty. Nassau commented that he had listened to tapes of every meeting regarding the contract and concluded that a typographical error was made in the contract regarding the definition of income. He stated that he and Mr. Hogan reworked the figures to eliminate the error in the contract and came up with \$59,131.48 due to the Town for the years 2002-2006. He stated that Marcus eventually agreed to the amount. Atty. Nassau then outlined the new agreement set forth, which included:

- Marcus' request for two more five-year terms
- A negotiated fixed rent of \$40,000 per year for five years with a 3% increase per year after the five years until the end of the agreement
- Marcus' payment of back rent through 2006
- The Town will pay electrical costs at an estimated cost of about \$2500 per year plus a 10% management fee paid to Marcus. Generator cost will not be included in the Town's responsibilities.
- Marcus will convey to the Town all equipment listed in exhibit A-1 of the agreement.
- Marcus agrees that if there is an assignment by Marcus to another entity it can only be done with the Town's written approval.
- Marcus will erect a small sign at the facility to display information required by the FCC.
- The frequencies used by the Town are owned by another company – Marcus Spectrum. Marcus agrees that the Town will continue to have the right to use these frequencies. There is a separate agreement between Marcus Spectrum and the Town.

Atty. Brad Monchien presented an overview of the agreement between the Town and Spectrum. He stated that the FCC controls all licensed spectrum in the country, and that Marcus Spectrum Holdings is the licensee of the spectrum that the Town uses for its public safety. The FCC must approve the sublicensing of the spectrum to the Town. He stated that an agreement was negotiated with Marcus Spectrum in order to maintain that the spectrum would be within the Town's control. Details of the agreement include:

- Marcus Spectrum is responsible for the costs associated with filing an application with the FCC and obtaining license approval by the FCC
- Locations that are already established by license and approved by the FCC for use will remain going forward. If the Town requires that those locations should have to be moved the Town will be responsible for FCC approval to move the locations. Marcus Spectrum cannot prevent the Town from moving a location.
- Both the Town and Marcus Spectrum will be responsible for any reporting as required by the FCC.
- Any licenses that should come under investigation by the FCC will be the responsibility of Marcus Spectrum, but the Town will be required to cooperate with the investigations.

Lieutenant Darby gave the Council a brief history of the Town's dealings with Marcus Communications dating back to 2001. He stated that in 2001 the NPD, Ambulance, NFD and Highway Department operated on separate bands and the schools did not have any radio system at all. He stated that an agreement was reached with Marcus to construct a tower in exchange for a Town-wide communication system which currently contains about five-hundred radios and allows the entire Town to communicate on one system. Lt. Darby clarified that the \$2500 yearly electrical cost to the Town includes only electrical costs at the NHS site for Town equipment. He noted that it was determined in 2001 that six frequencies would be needed to operate the system. The Town had two frequencies at that time and it entered into an agreement with Marcus for use of four of their frequencies until such time that the Town could acquire its own frequencies. He noted however, that it has been difficult for the Town to obtain such suitable frequencies and as a result is looking into entering into a long-term agreement with Marcus to use their frequencies exclusively for a nominal fee.

Councilor Bottalico asked if the Town has two towers. Lt. Darby replied that there are two towers used for Town communication, one at NHS and the other at Cedar Crest Hospital, which is the main site due to its elevation. Councilor Bottalico asked whether the rent fee agreement is for both towers. Town Manager Salomone replied in the affirmative, and commented that the agreement is very fair agreement for both sides with a very good monetary benefit to the Town.

Town Manager Salomone noted that there would be an infusion of about \$100,000 in back and current rent to the Town upon the signing of the agreement, and recommended that the if the Council is comfortable with the agreement that it move forward with a vote at the next Council meeting.

Lt. Darby stated that the system has experienced very few problems since its inception in 2001 and noted that the value of the radio equipment used for the system is estimated to be about \$500,000 - \$600,000.

Councilor Banach asked for clarification on item III – back rent due, and asked if the amount due to the Town of \$59,000 was for 2006 only. Atty. Nassau replied that the back rent due was for the years 2002-2006. Councilor Banach asked about the rationale behind the \$59,000 figure, given the agreement of \$40,000 per year in rent going forward. Lt. Darby replied that the cost of equipment and construction of the tower factored into that figure.

Councilor Bottalico asked whether the actual amount for budget purposes would be \$37,500 with the \$40,000 rent due to the Town less the \$2,500 electrical cost. Town Manager Salomone replied that \$40,000 will be placed into revenue with the \$2,500 allocated in expenses. He agreed that the net amount to the Town would be about \$37,500.

Councilor Cohen asked whether Marcus has actually ended up renting out tower space. Lt. Darby replied that they have rented out to about four carriers.

Councilor Nagel asked whether the Town will be liable for upgrades or changes to the equipment under the agreement. Lt. Darby replied that the Town will be responsible for any upgrades or additions to the equipment, but noted that the system is currently up to date and adequate. Councilor Nagel asked if there are any projections as to when upgrades or replacements might become necessary. Lt. Darby replied that it is difficult to project, but that the current equipment is about five years old, and that on average about six – twelve portable radios need to be replaced each year. Lt. Darby noted that the original intent was for the rent revenue to go towards the purchase of communications equipment.

Councilor Cohen noted that page two is missing from the Spectrum Lease Agreement in the packet. Atty. Nassau replied that he will forward page two to the Councilors.

Mayor Wright thanked Town Manager Salomone, Lt. Darby and the legal counsel for their diligence in working through the technicalities of the contract. He stated that it will be a great deal for the Town and summarized its benefits including:

- No costs incurred by the Town for frequency use on an annual basis
- A net annual income for the Town of about \$37,000 per year
- Radio equipment for the Town
- Income from back rent
- Rent income for 2007 and beyond with a 3% increase after five years.

D 8-24 Referral - Street Acceptance/Strawberry Lane

Town Manager Salomone stated that this item appears on the agenda for consideration in referring the matter to the Planning and Zoning Commission. He stated that no action will need to take place until the January 22, 2008 Town Council meeting unless the Council wishes to waive the rules to vote on the item during the current meeting.

Mayor Wright asked if there is any downside to waiting until the next meeting to take action. Town Manager Salomone replied that there is not any need to take action prior to the next Council meeting. Mayor Wright asked if there are any concerns or controversy regarding the item. Town Manager Salomone replied that there are none.

E Proposed Council "Rules of Procedure"

Councilor Bottalico moved to table the discussion of the proposed Council rules of procedure. Motion seconded by Councilor Boni.

Motion to table discussion passed 9-0.

F West Meadow Cemetery Expansion Project – Architectural Design (added to agenda)

Councilor Cohen stated that there was a request for proposal for architectural services for the expansion of the West Meadow Cemetery. She stated that only two proposals were received, one for a fee of \$98,000 and the other for a fee of \$29,500 for a \$400,000 project. The Committee decided to interview only the firm with the lesser fee. Councilor Cohen stated that they were very impressed with that firm's enthusiasm and ideas on how to proceed with the project. She stated that the Committee has voted to send to the Council a recommendation that the firm of BSC Group of Glastonbury be hired to be the project architect for the West Meadow Cemetery expansion project. She noted that the fee of \$29,500 will come out of the Cemetery's budget.

Councilor Nasinnyk stated that BSC has personnel with expertise in the cemetery area as well as landscape design personnel. She noted that they have been located in Massachusetts since the 1960s but that their Glastonbury office has been open for only seven years, which explains why firm has not done much cemetery work in Connecticut. Councilor Nasinnyk stated that BSC has the ability to pull experienced people from its MA offices and is committed to completing the project using the appropriate resources.

Mayor Wright asked if there were any differences in the services that would be provided between the firm with the higher estimate and BSC. Councilor Nasinnyk stated that in addition to providing a lower dollar amount, BSC stated that they would have their work done within six weeks while the other company would require ten months. Councilor Cohen stated that the Committee suspected that the firm with the higher fee was not interested in the specific job but wanted to get its name on the table for consideration of future projects.

Mayor Wright asked for confirmation that the funds for the project would not come from the Town budget. Councilor Cohen replied that the funds would come from the Cemetery budget.

VI RESIGNATIONS AND APPOINTMENTS

A Correct Appointment Term of Neil Ryan to the Library Board

Councilor Bowen moved the following:

RESOLVED:

That the Newington Town Council hereby amends its Resolution No. 2007-144 by correcting the appointment term of Neil Ryan to the Library Board to end 11/30/11 rather than 11/30/09.

Motion seconded by Councilor Nasinnyk. Motion passed 9-0.

B Commission on Aging and Disabled

1 Accept Resignation of Margaret Casasanta

Councilor Bottalico moved the following:

RESOLVED:

That the Newington Town Council hereby accepts the resignation of Margaret Casasanta from the Commission on Aging and Disabled, in accordance with a letter received December 14, 2007.

Motion seconded by Councilor Bowen. Motion passed 9-0.

2 Appoint a Replacement

Councilor Bottalico moved the following:

RESOLVED:

That the Newington Town Council hereby makes the following appointment:

Commission on Aging and Disabled

9 members, 3 year term

Party Max.: 6

Remaining Members: 3 Dem., 2 Rep., 3 Unaff.

| Name | Address | Party | Term | Replaces |
|-----------------|--------------------|-------|-----------------|-------------------------------------|
| Patricia Murray | 10 Woodsedge Drive | R | IMMED.-11/30/09 | Vacant (M. Casasanta res. 12-14-07) |

Motion seconded by Councilor Banach. Motion passed 9-0.

VII TAX REFUNDS

Councilor Bowen moved the following:

RESOLVED:

That property tax refunds in the amount of \$4,231.98 are hereby approved in the individual amounts and for those named on the “Requests for Refund of an Overpayment of Taxes,” certified by the Revenue Collector, a list of which is attached to this resolution.

Motion seconded by Councilor Nasinnyk. Motion passed 9-0.

VIII MINUTES OF PREVIOUS MEETINGS

A Special Meeting, December 4, 2007

Councilor Cohen moved to accept the minutes of the Special Meeting, December 4, 2007. Motion seconded by Councilor Nasinnyk.

Motion passed 9-0.

B Regular Meeting, December 11, 2007

Councilor Cohen moved to accept the minutes of the Regular Meeting, December 11, 2007. Motion seconded by Deputy Mayor Lenares.

Motion passed 9-0.

IX WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC.

A Correspondence

- 1 Memo dated December 10, 2007 from Daniel Carson, Chairperson, Board of Education, re Board of Education 2008 – 2009 Budget Development

Mayor Wright outlined a memo from Dan Carson regarding the 2008-2009 Board of Education budgets. The memo included an invitation extended to Town Council members to attend a meeting on Wednesday, January 9, 2008 in which the Superintendent of Schools will make a presentation of the proposed spending plan.

Town Manager Salomone asked the Councilors for a show of hands of who would be available to attend the meeting. Eight of nine Councilors indicated that they would be able to attend; meeting agendas were ordered for all nine Councilors.

B Council Liaison/Committee Reports

Councilor Nagel reported on his meetings with the following committees:

- CRCOG Meeting: officers elected, actions of the past year reviewed, information distributed to new members, recent grant applications discussed, it was reported that the Town is not compelled to accept grants if offered, and there is no sharing of money to even out amounts among towns within the grant. Attended Capitol Workforce meeting, which deals with training those trying to enter or reenter the workforce. Materials will be forwarded to the Town Manager.
- Newington Community Access TV Committee: advised Committee that he is available and that the Town will work with them as needed. They have recently made repairs to their services which will benefit the Town.
- Joint Committee on Community Safety: Met with Mitch Paige, took a tour of Patterson School. Committee has been attending schools to address concerns of the individual schools.
- Affordable Age-Restricted Housing Committee: met with Committee, deferred discussion to Councilor Cohen.

Councilor Cohen reported on her meetings with the following committees:

- Affordable Age-Restricted Housing Committee: a meeting with a representative from New Samaritan will be held on January 29, 2008 to address questions related to senior housing, specifically the New Meadow area. Councilor Boni commented on an article in Newington Life in which the Town Planner stated that he was waiting to meet with the newly elected Council on whether to move forward with New Meadow, and asked when that meeting would take place. Mayor Wright replied that the meeting scheduled for January 29, 2008 will be attended by New Samaritan Representative Dave Brown who will answer questions and concerns of the neighborhood. He recommended that the Committee vote after that meeting to send the item back to the Council for discussion. Mayor Wright commented that the process is in the works. Councilor Boni expressed concern with the pace of the project.
- Joint Committee on Community Safety: the Committee submitted a report to the previous and current Council and is waiting for a reaction from this Council. Mayor Wright replied that once the Board of Education completes its security review and recommendations there should be a meeting of both groups to review recommendations.
- Commission on Aging: Discussed the Senior Center reaccreditation process, report on the Senior Center's budgets, active in raising funds.

Councilor Banach reported on his meeting with the Development Commission:

- The Commission is moving aggressively to organize downtown merchants to determine their needs, looking for help in terms of zoning requirements. Assigned a Commissioner to each voting district of the Town, overall very energized and moving in a good direction.

Councilor Boni reported on his meeting with the TPZ:

- The TPZ held a special meeting on December 12, elected officers Cathy Hall as Chair, Russ Correll as Vice Chair and Peter Kornichuk as Secretary.

Councilor Bottalico reported on his meeting with the Parks and Recreation Department:

- A special meeting was held to form a committee to prepare for the Extravaganza, and they will make an effort to come out of the event with a profit. Meeting times have been changed to the second Wednesday of the month.

C Town Manager Reports

Town Manager Salomone spoke about that the Council's retreat date set for Saturday, January 26, 2008 in from about 9:00am – 1:00pm. He stated that the purpose of the meeting would be to discuss the Council's goals and outlook. He noted that the site will likely be at the Indian Hill Country Club. He noted that budget will not be discussed, only broader issues. An agenda will follow.

Town Manager Salomone commented about the Town's financial report for fiscal year ending June 30, 2007, noting that the Town expects to receive a reward on the report. He stated that the item will come back to the Council for discussion.

Town Manager Salomone reiterated that he will be calling for a meeting of the CIP Committee on January 29, 2008 to discuss the Town Hall progress and other updates which will dovetail with the upcoming budget process.

X PUBLIC PARTICIPATION – IN GENERAL (none)

XI REMARKS BY COUNCILORS

Councilor Boni asked whether the Town is responsible for the decontaminating the welding building property on Cedar Street. Town Manager Salomone replied that the Town does not own the property and would be responsible only if it decides to develop the area. He noted that once the study of the site is complete that they would have a good handle on the cost and value of the property, which would hopefully be taken into consideration by an interested developer. Councilor Boni noted an article in the newspaper about a new company in Glastonbury that has developed a new product and method for decontaminating a property. Councilor Boni stated that the company's methods appear to be less expensive than traditional decontamination methods.

Councilor Bottalico asked about the development on Fenn Road. Town Manager Salomone replied that there has been a major plan of development submitted to the TPZ for development of the property adjacent to the Stop and Shop property on Fenn Road. He stated that discussions need to take place with the State DOT prior to the TPZ moving forward with the item.

Councilor Cohen inquired about the CRRRA funds, noting that some towns have already earmarked the funds for one-time items while some towns feel that they need to hold the funds through the appeal process. Town Manager Salomone replied that the Town needs to look closely at the availability of the funds to determine at which point it will become available for use, as he would not want to spend the funds even if there is only a remote possibility that they would have to be given back.

Councilor Bowen asked the TPZ to consider the traffic impact of the proposed and possible developments to the Fenn Road/Cedar Street sites. He commented that the State has expressed concerns over the traffic in the area and he hopes that the Town Planner will work in conjunction with the Town Manager to consider the traffic impact in that part of Town. Councilor Bowen asked about the ten year planning study due from the TPZ, and expressed grave concerns with the traffic impact in that part of the Town. Town Manager Salomone replied that he shares Councilor Bowen's concerns, and that there will be discussions with the State on the item, and that the Town will partner with the State regarding traffic control of the area.

Councilor Banach asked for an update on the Food Mart property in regards to a new tenant. Town Manager Salomone replied that he has not heard of any developments in the past six weeks and that improvements are continuing to be made to the property. He stated that the property has a lot of value, is in a great location and that the owners are being careful about the type of tenant that will go into the space.

XII ADJOURNMENT

Councilor Cohen moved to adjourn the meeting at 10:11pm. Motion seconded by Councilor Nasinnyk.

Motion passed 9-0

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk of the Council